

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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JOSEPH T. TOY,

Plaintiff(s),

v.

STATE OF NEVADA, et al.,

Defendant(s).

Case No. 2:14-CV-1720 JCM (PAL)

ORDER

Presently before the court are the report and recommendation of Magistrate Judge Leen. (Doc. # 2). No objections have been filed, and the deadline for filing objections has passed.

Plaintiff's complaint alleges claims related to guardianship proceedings concerning his mother against the State of Nevada, Clark County, Judge Norheim, and unnamed court clerks. (Doc. # 1). Plaintiff attempts to assert his mother's constitutional rights and bring claims against Judge Norheim relating to actions taken in his official capacity. (Doc. # 1).

Upon consideration of plaintiff's complaint and motion to proceed in forma pauperis, (doc. # 1), Judge Leen granted plaintiff's motion to proceed in forma pauperis, screened plaintiff's complaint, and recommended that the complaint be dismissed for failure to state a claim upon which relief can be granted. (Doc. # 2).

This court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge's report and recommendation, then the court is required to "make a de novo determination of those portions of the [report and recommendation] to which objection is made." 28 U.S.C. § 636(b)(1).

1 Where a party fails to object, however, the court is not required to conduct “any review at
 2 all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149
 3 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a
 4 magistrate judge’s report and recommendation where no objections have been filed. *See United*
 5 *States v. Reyna–Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review
 6 employed by the district court when reviewing a report and recommendation to which no
 7 objections were made); *see also Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003)
 8 (reading the Ninth Circuit’s decision in *Reyna–Tapia* as adopting the view that district courts are
 9 not required to review “any issue that is not the subject of an objection.”). Thus, if there is no
 10 objection to a magistrate judge’s recommendation, then this court may accept the recommendation
 11 without review. *See, e.g., Johnstone*, 263 F. Supp. 2d at 1226 (accepting, without review, a
 12 magistrate judge’s recommendation to which no objection was filed).

13 Nevertheless, this court finds it appropriate to engage in a de novo review to determine
 14 whether to adopt the recommendation of the magistrate judge. Upon reviewing the
 15 recommendation and underlying briefs, this court finds good cause appears to ADOPT the
 16 magistrate judge’s findings in full.

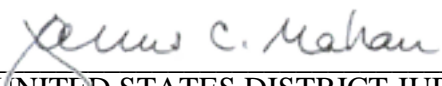
17 Accordingly,

18 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the report and
 19 recommendation of Magistrate Judge Leen, (doc. # 2), are ADOPTED in their entirety.

20 IT IS FURTHER ORDERED that plaintiff’s complaint be, and the same hereby is,
 21 DISMISSED with prejudice.

22 The clerk shall close the case.

23 DATED February 23, 2015.

24 
 25 UNITED STATES DISTRICT JUDGE